

THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL LETTER

OCT 04 2005

In re Application of:
Pieter DE HAAN, et al.

Serial No: 10/754,733

Filing Date: January 8, 2004

**Title: STABILIZED TIBOLONE
COMPOSITIONS**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Docket No: 1997.273 USC4

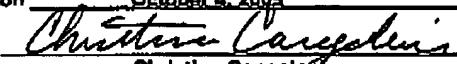
Examiner: Leslie A. Royds

Group Art Unit: 1614

CERTIFICATE OF FACSIMILE TRANSMISSION

It is hereby certified that the attached: Response to Office Action; (6 sheets) is being faxed to 571-273-8300 to the Commissioner for Patents

on October 4, 2005


Christina Cangelosi

Sir:

Transmitted herewith is a responsive document(s) for this application.

☒ TRANSMITTAL LETTER IN DUPLICATE; (4) TERMINAL DISCLAIMER AND CERTIFICATE OF FACSIMILE

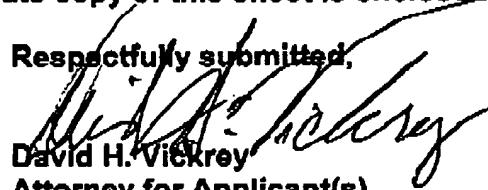
Applicant hereby petitions for an extension of time under 37 CFR 1.136 of:

One Month (\$120.00) Two Months (\$ 450.00)
 Three Months (\$1020.00) Four Months (\$1590.00)

Terminal disclaimer fee under 37 CFR 1.20(d) (\$ 520.00)

The total fee believed due is \$ 520.00. Please charge this amount and any other fees, which may be due (including filing fees under 37 CFR 1.16 and processing fees under 37 CFR 1.17) to Deposit Account No. 01-1350. If an extension of time is required but has not been requested above, Applicant hereby petitions for an extension of time sufficient for the attached document(s) to be timely. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


David H. Vickrey
 Attorney for Applicant(s)
 Reg. No. 30,697

**Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, NY 10522-3408
Tel No.: (914) 674-5460**

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OCT 05 2005

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
1897.273 C4

In re Application of: Pieter de HAAN; Theodora Antonia Maria LAMBRECHTS v.d. HURK; Ryoichi MORITA...

Application No.: 10/754,733

Filed: January 8, 2004

For: Stabilized Tibolone Compositions

The owner, AKZO NOBEL N.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,399,594 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 30,687

Signature

October 4, 2005

Date

David H. Vickrey
Typed or printed name

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(914) 674-5460

04 FC:1814 130.00 DA

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
1997.273 C4

In re Application of: Pieter de HAAN; Theodora Antonia Maria LAMBREGTS v.d. HURK; Ryotchi MORITA...

Application No.: 10/754,733

Filed: January 8, 2004

For: Stabilized Tibolone Compositions

The owner*, AKZO NOBEL N.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,514,958 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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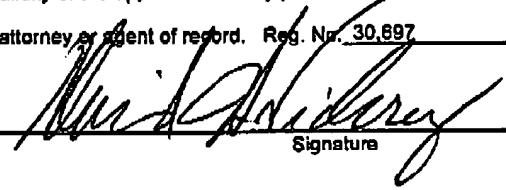
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- is found invalid by a court of competent jurisdiction;
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2. The undersigned is an attorney or agent of record. Reg. No. 30,697


Signature

October 4, 2005

Date

David H. Vickrey
Typed or printed name

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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
197.273 C4

In re Application of: Pieter de HAAN; Theodora Antonia Maria LAMBREGTS v.d. HURK; Ryotchi MORITA...

Application No.: 10/754,733

Filed: January 8, 2004

For: Stabilized Tibolone Compositions

The owner, AKZO NOBEL N.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/754,732, filed on January 8, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

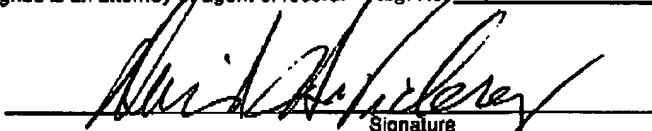
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent, granted on the pending reference application, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Signature

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David H. Vickrey
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Application No.: 10/754,733

Filed: January 8, 2004

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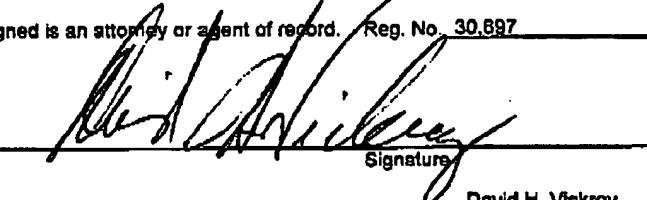
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2. The undersigned is an attorney or agent of record. Reg. No. 30,897


Signature

October 4, 2005

Date

David H. Vickrey
Typed or printed name

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